IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 130 OF 2003 AND C.A. NO.74/2003.

1. Shri Imtiyaz Kazi,
alias, Kazi Imtiazuddin,
of fullage, married,
and his wife:

2. Smt. Sameer Kazi,
housewife, both residents
of Panditwada, Ponda, Goa. ... Petitioners.

VERSUS

Smt. Sharfunissa Kazi,
housewife, resident of
House No.52-3, Kaziwada,
Ponda, Goa, represented
by her husband and Attorney
Shri Kazi Raziuddin Ali,
constituted as such by a
Power of Attorney dated
13.01.1975. ... Respondent.

Shri Sudin M.S. Usgaonkar, Advocate for the Petitioners.

Shri R.G. Ramani, Advocate for the Respondent.

CORAM: S. J. VAZIFDAR, J.

DATE: 4TH APRIL, 2003.

ORAL ORDER:

The Writ Petition challenges an Order disallowing the defendants to produce certain additional documents. As far as the documents referred to in paragraph 2(a), (b) and (d) of the impugned Order are concerned, they relate to the suit property and there can be no real objection to the production thereof. The learned Judge however, cannot be faulted for not having allowed the Petitioners to produce the plan referred to in paragraph 2(b) of the impugned Order, as it appears that the same was not even produced before him.

However, the same is relevant and I propose allowing the petitioners to produce the same. To this extent, the impugned Order is set aside and the petitioners are allowed to produce by way of additional documents, the documents referred to in paragraph 2(a), (b) and (d) of the impugned Order.

2. As far as the rest of the documents are concerned, they have correctly been held to be not relevant as Mr. Ramani, learned counsel for the respondent, makes a statement that in this Suit the respondent/plaintiff is only claiming a right in respect of the property bearing Survey No.43/3 and not in respect of Survey No.160/3. The remaining documents pertain to Survey No.160/3. In view of this statement, the impugned Order is upheld in respect of those documents. Mr. Ramani however clarified that in certain other proceedings the respondent/plaintiff may make or may have made a claim in respect of Survey No.160/3.

3. The Writ Petition is disposed of in terms of the aforesaid Order. Interim stay is vacated. Civil Application accordingly also stands disposed of.

sl. **S. J. VAZIFDAR, J.**